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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,505	01/28/2000	Silvano Maffei	FREIP038US	8901

21121 7590 01/30/2004  
OPPEDAHL AND LARSON LLP  
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EXAMINER
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JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/30/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

PR9

**Office Action Summary**

Application No.

09/498,505

Applicant(s)

MAFFEIS ET AL.

Examiner

Bunjob Jaroenchonwanit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/14/04 has been entered and reviewed. Claims 1-12 are pending, the objections and rejections cited are as stated below.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.
3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) and Kumar et al. (US. 6,343,287).
4. As to claims 1-3, 8, 11 and 12, as admitted by the applicant that JAVA messages service (JMS) based upon a publishing/subscribing; message client, message server, which included implementing a transport protocol, was prior arts, (spec. page 1, line1s 8-25). The AAPA further admitted, using JAVA existing liked mechanisms such as JAVA API, JNDI, JINI, also conventional (spec. page 6, lines 4-11). The only issue that AAPA failed to disclose is pluggable logic at run time.

In an analogous art, Kumar discloses a method and apparatus comprising a server for distributing data, e.g., messages, in various formats to client devices and using several transport protocols, regardless of client characteristics. The system, further, comprises: a lightweight core

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profile engine (301 in FIG. 3), which employs multiple "pluggable" interfaces for enhancing and extending runtime system adaptability and providing services in various functionalities; a plurality of programs and/or protocols, in addition to the built in essential functionalities (Col. 6, lines 18-28, lines 43-52; Col. 8, lines 39-53). Furthermore, Kumar discloses, employing the similar concept of using Java like mechanisms, e.g., JAVA API for attaching plug-in, i.e., plugable, for supporting other transport protocols (Col. 10, lines 6-37; Col. 11, 28-65; Col. 12, lines 11-40).

It would have obvious to one of ordinary skill in the art at the time of the invention was made to be obvious to modify a prior JMS system with Kumar plug-in mechanisms concept to enable the JMS to support messages service in various protocols to enhance the system capabilities. Because such enhancement would increase the JMS flexibility, enable the JMS operation and supporting messaging service in heterogeneous formats and protocols. Such flexibility would add on marketing values, making the system become more attractive to the end users, thereby it would be easier to compete and market the product.

5. Claims 4-7, 9 and 10, AAPA-Kumar discloses plugable adapter for converting command, information format of message between client and server, regardless of Java or Non-Java client (Col. 10, lines 6-37).

6. Examiner noted that the amended language, as entered, contained a number of relative terms "or" and list of exclusive elements, which anyone element in the list can be used for claims rejection.

7. Applicant's arguments filed 8/18/03 have been fully considered but they are not deemed to be persuasive.

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8. The argument failed to point out, which claim's limitation was not taught by the references. Further amending claims by including the element, which were admitted, as prior art would not render patentability.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

A handwritten signature in black ink, appearing to be 'Bunjob Jaroenchonwanit', written over a horizontal line.

Bunjob Jaroenchonwanit  
Primary Examiner  
Art Unit 2143

/bj  
1/29/04